

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>LORI ANN KNIGHT,</b>	)	<b>CASE NO. 4:08CV3208</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>MICHAEL J. ASTRUE, as</b>	)	
<b>Commissioner of the Social Security</b>	)	
<b>Administration,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Court's own motion pursuant to Fed. R. Civ.

P. 4(m), which states in pertinent part:

If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time  
...

The court file shows that this case was filed on October 8, 2008, and the 120-day period has expired. The record does not show that the plaintiff has effected service upon the defendant.

IT IS ORDERED that, on or before March 26, 2009, plaintiff shall either:

1. Effect service on the defendant and file proof of same with the court; or
2. Show cause why this case should not be dismissed without prejudice for failure to effect service within the time limit specified in Fed. R. Civ. P. 4(m).

DATED this 12<sup>th</sup> day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge